The regular meeting of the Edgefield County Council was held at 6:00 P. M. Tuesday, November 1, 2005, in the County Council Chambers, 225 Jeter Street in Edgefield.

Members present

C. Monroe Kneece, Chairman Willie C. Bright, Vice Chairman Norman Dorn, Councilman Joel D. Hudson, Councilman B. Everette Kitchens, Councilman

Others present

Wayne Adams, County Administrator John F. Byrd, Jr., County Attorney Barbara R. Stark, Clerk to Council and others as per list attached

Chairman Kneece called the meeting to order and Councilman Hudson gave the invocation, after which the Pledge of Allegiance was recited.

Minutes

The motion to approve the October 4, 2005, Minutes of the Regular Meeting of the Edgefield County Council, was made by Councilman Bright, seconded by Councilman Hudson. Motion carried unanimously.

Before calling for any comments/discussion on the Reports, the Chairman recognized the Palmetto Leadership Group attending the meeting. Mr. Ernie Church introduced the group and he told the council that this is a joint effort between Clemson Extension Service and Edgefield County Chamber of Commerce. This is the first time a Leadership Class has been done in this manner. This session of the group is local government; it also included attending a town council meeting.

Reports

Council members had no comments on any of the reports.

Public Hearings

Public hearings were held to receive written and/or public comments on the following ordinances:

Ordinance No. 05-06-571, "An Ordinance Amending the FY 05-06 General Operating Budget to Provide for Capital Expenditures Related to the Acquisition of Road Maintenance Equipment."

Ordinance No. 05-06-572, "An Ordinance to Develop a Jointly Owned and Operated Industrial/Business Park in Conjunction with Aiken County, Such Industrial/Business Park to be Geographically Located in Edgefield County and the Town of Trenton and Established Pursuant to South Carolina Code of Laws of 1976 §4-1-170, ET Sequitur, as Amended: to Provide for a Written Agreement with Aiken County Providing for the Expenses of the Park, the Percentage of Revenue Application, and the Distribution of Fees in Lieu of *Ad Valorem* Taxes to the Counties and Relevant Taxing Entities; to Provide That Jobs Tax Credits Allowed by Law Be Provided for Businesses Locating in Said Park; to Permit User Fee in Lieu of *Ad Valorem* Taxation Within Said Park; and Other Matters Related Thereto."

Ordinance No. 05-06-573, "An Ordinance Authorizing a Fee-in-Lieu of Tax Arrangement on Behalf of Trenton Plastics, LLC (The "Company") Pursuant to a Fee Agreement Between Edgefield County, South Carolina (The "County") and The Company; and Other Matters Relating to the Foregoing."

There were no comments, written or oral, from the public concerning the above ordinances.

Ordinances

Councilman Bright made the motion to approve the third and final reading of Ordinance No. 05-06-570, "An Ordinance Authorizing Certain Amendments to the Fee in Lieu of Tax Agreement Among Edgefield County, VA Playwear, Inc. and the Related Landlord to Provide for an Annual Infrastructure Credit Against Fee in Lieu of Tax Payments and an Extension of the Investment Period; Consenting to the Assignment by VA Playwear, Inc. and Said Landlord to Urban Outfitters, Inc. and Bor Unit Investors, LLC of Their Interests I Said Fee in Lieu of Tax Agreement; and Other Matters Relating Thereto." Councilman Dorn seconded the motion and the motion carried unanimously."

The third and final reading of Ordinance No. 05-06-571, "An Ordinance Amending the FY 05-06 General Operating Budget to Provide for Capital Expenditures Related to the Acquisition of Road Maintenance Equipment" was approved by a motion made by Councilman Dorn, seconded by Councilman Hudson. The motion carried unanimously.

Second reading of Ordinance No. 05-06-571, "An Ordinance to Develop a Jointly Owned and Operated Industrial/Business Park I Conjunction with Aiken County, Such Industrial/Business Park to be Geographically Located in Edgefield County and the Town

of Trenton and Established Pursuant to South Carolina Code of Laws of 1976 §4-1-170, ET Sequitur, as Amended: to Provide for a Written Agreement with Aiken County Providing for the Expenses of the Park, the Percentage of Revenue Application, and the Distribution of Fees in Lieu of *Ad Valorem* Taxes to the Counties sand Relevant TaxingEntities; to Provide That Jobs Tax Credits Allowed by Law Be Provided for Businesses Locating in Said Park; to Permit User Fee in Lieu of *Ad Valorem* Taxation Within Said Park; and Other Matters Related Thereto" was approved unanimously by a motion made by Councilman Hudson, seconded by Councilman Dorn.

Approval of second reading of Ordinance No. 05-06-573 was by unanimous vote of council, subsequent to a motion made by Councilman Kitchens, seconded by Councilman Hudson. The Ordinance (05-06-573) is "An Ordinance Authorizing a Fee-in-Lieu of Tax Arrangement on Behalf of Trenton Plastics, LLC (The "Company") Pursuant to a Fee Agreement between Edgefield County, South Carolina (The "County") and The Company; and Other Matters Relating to the Foregoing."

Councilman Hudson made the motion, seconded by Councilman Kitchens, to approve first reading of Ordinance No. 05-06-574, "An Ordinance Amending §35.16 of the Edgefield County Code of Ordinances to Provide for the Composition, Terms, and Procedures of the County Board of Assessment Appeals." The motion carried unanimously.

Councilman Dorn moved for approval of first reading of Ordinance No. 05-06-575, "An Ordinance to Amend Ordinance No. 00-01-387, As Previously Amended by Ordinance No. 00-01-409, Relating to the Industrial/Business Park of Aiken and Edgefield Counties So As to Enlarge the Park." Councilman Hudson seconded the motion, which carried unanimously.

No resolutions.

New Business

Board of tax assessments and appeals.

The board of tax assessments and appeals consists of seven members, one member from each council district and two at large members. The two at-large members are appointed by the Council Chairman and the Council Vice Chairman. The terms of the present board members have expired, and the Chairman asked each councilman to bring a name to the table for the December meeting.

Full-time position/Voter Registration.

Ms. Tricia Gordon (Voter Registration Director) addressed County Council concerning a new full-time position in her office. At present, she is the only full-time employee, with

two part-time employees. Ms. Gordon explained that in 2006 her office will be responsible for three major elections: municipal elections for the Town of Edgefield, Town of Johnston, and the Town of Trenton, and, also, the Primary election in June and the General Election in November.

Ms. Marie Adams (part-time employee) will be retiring in December 2006. The second part-time employee in the Voter Registration is Angel Miles. Tricia asked Council for its consideration in making Angel's position full-time. Having another full-time employee would also be beneficial to the local office because the office will be undergoing changes in the voter registration system. She stated that she would not need a part time employee because the board members are supposed to come in during election time to help in the office.

The Administrator explained that \$5,000 is in the budget for additional help during a busy season should Ms. Gordon request it.

Chairman Kneece made the motion to make one of the part time positions a full time position, and when Ms. Marie Adams retires the other part time position will not be filled. Councilman Dorn seconded the motion, and the motion carried unanimously.

Request to add vehicles to surplus list for auction.

There were approximately five additional vehicles at the shop that had not been included on the surplus list for auction. The consensus of council was any vehicle, etc. found that is not of use other than the additional list before council, to put such up for auction. Mr. Adams was given the go-ahead to make the decision to add any other items to the list unless he feels a called meeting of council would be necessary for approval of adding additional items. Motion was made by Councilman Hudson, seconded by Councilman Kitchens, to add the additional vehicles to the surplus list brought before Council. Motion carried unanimously. (The vehicles added: Five Crown Victoria cars belonging to the sheriff's department (1-1993, 3-1995s and 1-1994).

Forks and/or root rake.

The next item of business before council was the approval to purchase forks and/or root rake for the new wheel loader. When the wheel loader was delivered for the road department forks were attached and left with the loader by mistake. The road department used the forks in the meantime and found them to be very useful, particularly in loading pipe. They would also be very useful in moving "dead" vehicles from one place to another or loading them on a truck.

A root rake would also be very useful in the aspect of clearing land. The road department has a "homemade" root rake that was used in the clearing of the EPI land in Johnston,

and it has been used at Bettis Park. Howard Gibson stated that he felt sure one could be used in road widening because that part always has to be bid out. He said that he has three projects coming up in the spring that will require clearing, and the county having its own rake would cut down on the cost. Of course, it would be a tremendous help in finishing the ball fields.

In Ordinance (05-06-571), which passed third reading earlier in the meeting, there is a contingency of \$43,753 (these are the final numbers after the sale of the equipment). We would still have two years of debt service on the new equipment in reserve after paying for the root rake and forks. It was recommended by the Administrator that the \$12,431 could be taken from this contingency item.

Motion was made by Councilman Bright, seconded by Councilman Hudson, to buy the equipment and take it from the contingency. Motion carried unanimously.

Request for reclassification of finance director.

Chairman Kneece asked the Administrator to explain why and what advantages would there be to reclassify this position. Mr. Adams stated that over the past month, the county has been advertising to fill the position of a finance director, which Margaret Harling will be vacating later this year. There were thirty eight (38) applications and five candidates were tested and three were interviewed. We did find some very talented people in that pool but none of these had sufficient experience or training in all the required areas. Mr. Adams recommended that the position be reclassified to that of budget and finance manager. That would be a reduction from a grade 31 (\$42,500 to \$59,500) to a grade 23 (\$33,500-\$46,900). The scope of responsibilities for the position would be narrowed in order to compensate for that reduced salary grade. Mostly, this position will not hold any supervisory authority under the reclassification; neither will it have direct responsibility for finance areas such as procurement, personnel, risk management, and accounts payable.

Councilman Dorn inquired as to whether or not there was a person employed with the county that could fill this position. Mr. Adams replied there was one inside employee that applied but after looking at all of the applications it was decided to ask for a reclassification and narrow these responsibilities. It was probably unrealistic from the beginning to think that someone could be found with this scope of experience in local government. Of course, Margaret has been with the county for a long time and she has been moved up and been reclassified in the past few years to be finance director. That was only after a lot of experience working with procurement, working with accounts payable, risk management, all personnel areas. Margaret's position was somewhat unique, and it was Margaret's unique experience that satisfied its requirements. Mr. Adams feels sure that with the reclassification someone can be found to fit this position.

Then, asked Councilman Hudson, would this put some responsibility on someone else, or in six months we will be told that a second person needs to be hired. The Administrator assured Mr. Hudson that will not happen. The areas that would have reported to the finance director will report directly to him (Administrator). It is not any different from the arrangement in the office now because the Administrator does play an active role in all of those areas. The key is that this reclassification will allow the budget and finance manager to concentrate on the main duties of budget and finance.

Again Councilman Dorn asked isn't there any person within that would be doing similar work. We do have some individuals working in other finance offices that would be good applicants. But only one person applied from within during the first go-round. Mr. Adams asked that the position be advertised again if the reclassification request is granted. This would be a different job and it might encourage more applicants. The salary range is based on the salary study done by the Archer group, and also from looking at the Association of Counties Wage & Salary Study. It is also comparable with the personnel director's salary. Those are areas of similar of judgment and responsibility.

Councilman Hudson made the motion to accept the administrator's request for reclassification of the finance director position, and seconded by Councilman Kitchens. The motion carried unanimously.

Mr. Adams stated that when we went to the new wage and grade classifications into a merit base system we started by putting existing employees within the range based on their years of experience. The question that hasn't been answered to date is what latitude does the administrator have to hire within this range as opposed to the minimum. Would it be permissible to hire up in the range based on similar experience and/or training. It would still be within this range but, the hiring salary would take into consideration their applicable training and experience to place the existing employees on the new pay ranges. Someone with fifteen (15) years of experience would be put at mid-point, so no new hire would go over the mid-point. The Chairman expressed that if you get a good employee with ten to fifteen years of experience they should be given the benefit of the years experience. (Mid-point would be \$40,000).

Maybe allowance should be made for consideration for training in someway other than years of experience. Say, a two-year degree versus a four-year degree versus a Masters Degree or CPA. Generally if someone has one of those degrees they will have some experience. It was agreed that these factors could be considered in order to get the better personnel.

Councilman Hudson amended his prior motion. The motion by Councilman Hudson was to accept the administrator's request for reclassification of the finance director's position

with the understanding that he will take experience and training in consideration to hire the employee and not to exceed the mid-point of the salary range. The motion was seconded by Councilman Kitchens. Motion carried unanimously.

Reimbursement to Delinquent Tax Bidder

In 2003, after a delinquent tax sale had taken place, the tax collector assigned a bid on a certain piece of property. In those cases, it is the Forfeited Land Commission (county treasurer, county auditor, and county clerk of court) that is supposed to assign any bids after the time for the sale has passed. In this case, the tax collector assigned it to a bidder in a way that evidenced the bidder had bought it at the sale, when in fact the assignment was made afterwards. The redemption period for delinquent property tax is one year after the tax sale.

In 2004, with eleven (11) days left in the redemption period, an owner of the assigned property showed up to claim that he had never been properly notified that the property was in a tax default status. Our records indicate that this was not the case and that he was properly notified, according to the law. However, in response to that the tax collector voided the sale to say that it was not a proper sale because the property owner had not been contacted.

As such, the bidder had put up \$45,000 of his own money for almost a year and would have been entitled to the interest if the delinquent taxpayer had been made to pay the taxes, which should have been the case. But because the sale was voided, then it fell upon the county to make the bidder whole. The interest amount is \$5,400.00. We had the bid on the taxes, and we held his money for this time. He had no benefit that would have accrued to him because the tax sale was voided, so he put his money up for nothing. The delinquent taxpayer did not have to pay the eight percent because the tax collector voided the sale.

The statute sets standards for notification and who should be notified, and we had documented in our records that that person was notified. It did not necessarily have to be every owner (the owner was a limited liability corporation). The owner was still delinquent on the property taxes, as a co-owner.

Mr. Byrd confirmed what Mr. Adams had mentioned. Mr. Byrd stated that the individual was a number of the LLC and he claimed that he was not notified. LLC had provided two addresses and both of the property owners were notified at these addresses. There was a Supreme Court ruling in 2004 in line with this case that says the interest shall be paid when the sale is voided.

Motion was made by Councilman Hudson, seconded by Councilman Bright, to pay the interest (\$5,400) to the delinquent tax bidder. Motion carried unanimously.

Update / Bettis Park capital expenditures.

At the October meeting, the council asked that an update on the capital expenditures for Bettis Park be presented at the November meeting. The expenditures thus far total \$43,248. In addition to that, there are total county (road department) labor and fuel costs of \$5,650. There is no cost included for the wear and tear of the equipment. The road department can be treated like an internal service fund, meaning that it can be credited with the amount (\$5,650) spent. This amount could be used toward the new equipment approved by council at this meeting (forks and root rake), reducing the amount needed from the capital budget contingency. There is a balance of \$308,251 remaining from the \$350,000.

The motion to transfer the \$5,650 from to contingency to the road department's fund to be used toward the purchase of the root rake and the forks was made by Councilman Kitchens, seconded by Councilman Hudson. The motion carried unanimously.

Request for funding / Strom Thurmond travel baseball team.

The Strom Thurmond travel baseball team is a part of the Newton Summer Baseball League. The team (14 players) has the opportunity to represent South Carolina in the Disney New Year's Baseball Classic in Orlando, Florida, December 27th through January 1st. They are asking the Recreation Department for funding of \$1,500 to help with the trip.

Nick Wates, Recreation Director, explained that this group played high school baseball and they also played in a league this past summer that is funded through the recreation department. The tournament to be held in Orlando has nothing to do with the local recreation department – just something the team wants to be a part of. Nick said that he had spoken with recreation departments in North Augusta and Aiken, and a couple of others, and they do not fund any teams that are not directly associated with the recreation department. If it is one of their recreation teams, then they do help with the funding. The council previously was asked to contribute toward a similar situation but voted against the request because the Recreation Commission felt that if this type of funding is approved then there will be more requests for the same thing.

Chairman Kneece made the motion, seconded by Councilman Dorn, to receive this request as information. The motion carried unanimously.

Paint machine.

The budget for the Recreation Department includes \$2,000 for machines & equipment. This would cover the purchase of a paint machine to be used for football, soccer, and baseball fields. At the present time, aerosol cans are being used, which is costing approximately \$40.00 each time (once a week) and sometimes twice a week during the summer. A football field can be painted six times with a paint machine using a five gallon can of paint, which the price is about \$40.00.

Nick presented four bids for council's review. The lowest bid was \$1,219.24.

Discussion concerning a paint machine was to purchase one that would withstand a lot of use, such that it could be used over a period of many years on ball fields as well as to paint parking lots. It was suggested that Nick and Howard Gibson shop for such a paint machine.

Motion was made by Councilman Kitchens, seconded by Councilman Hudson, to have Nick and Howard purchase a durable paint machine, not to exceed \$2,000.00. Motion carried unanimously.

At this time, the Administrator informed Council that Wednesday (Nov. 2nd) the work crew provided by the Federal Prison will have its first day of work at Bettis Park.

Councilman Dorn requested some assistance (labor wise) for the park on the Northside. There hasn't been too much work done towards getting the park ready for use. He wanted Council to be aware that there should be consistency. Mr. Adams said that with Council's permission, he could ask the Federal Prison if they would allow the inmates to go to the facility on the Northside as well. It was originally requested for Bettis Park, so approval would have to be given for Northside. Mr. Adams will speak with the proper source for approval for Northside.

Christmas bonuses.

Bonuses for 2004 cost \$10,500 from contingency. Councilman Kitchens stated to address this as a Christmas gift, not a bonus. Motion was made by Chairman Kneece to strike the word *bonus* and use the word *gift* and give the same as last year (\$75 full-time employees and \$50 for part-time employees). Councilman Dorn seconded the motion, which carried unanimously.

Old Business

State Road 453

Mr. Phillip Brooks, District Engineering Administrator, SC DOT, addressed Council concerning an agenda item that was addressed at a previous council meeting.

SCDOT wants to abandon a portion of this road to the County's ownership. This would be with the understanding that the County would then abandon the roadway to a church. SCDOT officials say they are prohibited from transferring the road directly to the church. The roadway under consideration extends to Mt. Pleasant Church off Steeple Road. Mr. Lewis Jackson (from the church) addressed Council in September concerning this matter; Council requested more information in lieu of making a decision at that time.

Mr. Brooks: "What we are trying to accomplish is that road, S-453, which is the road that goes to Mt. Pleasant Church is a loop road around the church. The folks at the church decided to expand the building and, unfortunately, they expanded it into our right-of-way and on to the roadway. The department wants to take out that little section of road where the building was built on the road – a few feet on each side – in order to get that out of our system and make it church property. It is about 127 feet of roadway that we are trying to get rid of. The problem we have run into with the department, our ability to delete and remove roads from our system is covered by State Statute 57-5-80 (deletion/removal of roads from secondary system). The way this statute is stated is that the only thing a department can do to get rid of a section of road is give it back to another government entity, whether it is a county, town, or a city. We do not have the ability, based on this statute, to take a section of our road and simply give it to a private property owner or abandon it to a private property owner or to an organization. By state statute we are required to go through that intermediate step of giving that section of road to a government entity. Of course, the government entity like county council, you have the ability to immediately then abandon the road and give it back to the property owner or the church in this case. What we are trying to accomplish is to determine whether the council will work with us and we could abandon that section to the County of Edgefield. Then, of course, the county would in turn abandon that section to the church. Our hands are tied by the statute that prevents us from doing it directly. The SC DOT will maintain the road going into the church. We did ask the church if they would like for the department to give them the entire road and they said they wanted us to continue to maintain it."

The county will have to petition the circuit court to abandon the road.

Council unanimously approved the request of the SC DOT to abandon a portion of State Road 453 (127 ft.) to the county to be abandoned to Mt. Pleasant Church off Steeple Road by a motion made by Councilman Bright, seconded by Councilman Hudson.

SC DOT section shed (Stephens Road)

The next agenda item Mr. Brooks addressed was the possible sale or transfer of SCDOT section shed located on Stephens Road.

This isn't anything that is being done with just one piece of property. The department statewide is trying to divest itself from a number of tracts of land that currently are not

being utilized. There have been several budget cuts and they are looking for ways to bring some money or assistance in reducing expenses. What they would like to do is trade (if the county is interested) the section shed (built in 1995) at Stephens Road (lower end of county). At the time it was built the property was purchased at roughly \$21,000. The construction part was \$387,000 minus a generator which has been moved from the facility several years ago. Roughly \$400,000 is what is invested in the property and building.

SC DOT has eleven (11) roads in our system in Edgefield County that are unimproved dirt roads, amounting to a total of nineteen and a quarter miles. Mr. Brooks said they would like to discuss the possibility of a swap, if the county would take over the maintenance of those roads, they would in turn be willing to deed over the facility to the county. Councilmen asked Mr. Brooks about the price of the upkeep of the roads per year and the number of bridges included with these roads. The state invested approximately \$400,000 in the facility, but what is it worth? Mr. Brooks did not have figures concerning the upkeep of the roads; he stated the DOT would certainly be willing to have the facility appraised. There are six bridges on the roads.

Two of the bridges are fairly modern, built in 1984. They are made of pre-stressed decks with timber piles and are in very good shape. This is a similar design that is used at the present. The other four (records received from staff) it looks as if they are all timber structures or timber with timber foundations, timber deck with steel girder supports. Councilman Kitchens asked if the DOT would continue with the maintenance of the bridges, Mr. Brooks said that this would be a problem for the department. Any section of the road the department maintains has to connect with the system. Say that each section at the end of the road would be given to the county and the state would keep the bridge, then the bridge would no longer connect with the system. That is another statute requirement that any road the state maintains has to connect at some point to the system. Consensus of council was to talk with Howard Gibson to get a figure on the upkeep (per year) of the roads, the condition of the bridges and costs there and costs concerning the building.

The subject of a traffic signal at the intersection at Bettis Academy and Highway 25 was brought before Mr. Brook. This is an issue that has been brought before council several times from a citizen of that area because of the accidents and deaths that have occurred there.

"We have studied that and looked carefully at the accident data for the last couple of years. Right now, the intersection does not warrant the installation of a traffic signal. Traffic signals, before they can be installed, have to meet certain national warrants or requirements that are set out by the Federal Highway Administration. It has to do with the

number and/or types of accidents, the amount of traffic that is on all legs of the roads that are involved, and issues with congestion. Right now, from our studies, that particular intersection just does not warrant a traffic signal.

In the department's study it was found that one of the accidents was not related to the intersection. Apparently someone was turning around in the road close to the intersection and failed to yield the right-of-way. There was one that came through the stop sign that was intoxicated; that maybe contributed to that accident. Mr. Brooks stated that from the studies he had reviewed, the majority of the accidents were rear end accidents. He feels there aren't many of those now due to the improvements the department has made to the intersection. Left turn lanes have been built. Mr. Brooks is willing to take another look at this situation. Maybe put another traffic counter to find out if the traffic on Bettis Academy has increased.

No guests.

No executive session.

Earlier in the meeting a discussion began concerning the purchase of a mobile concession stand for Bettis Park, and it was agreed this would be taken up at the end of the meeting because it was not an agenda item. After considerable discussion, Councilman Hudson made the motion to purchase a mobile concession stand (to be used at Bettis Park) not to exceed \$45,000. Motion was seconded by Councilman Bright. The vote was four year and one nay (Kitchens).

Claims approved as follows:

A.	PAYROLL:	10/24/05 thru 11/6/05
	Regular	\$185,359.08
	PAYROLL:	11/7/05 thru 11/20/05
	Regular	\$196,639.12
В.	General	
	Operating	\$1,306,296.41

There being no further business, the motion to adjourn was made by Councilman Dorn. The next regular meeting is scheduled for Tuesday, December 6, 2005, in the County Council Chambers, 225 Jeter St., Edgefield.

_	C. Monroe Kneece, Chairman
-	Willie C. Bright, Vice Chairman
	Willie C. Bright, Vice Chairman
_	Norman Dorn, Councilman
-	Joel D. Hudson, Councilman
_	
	B. Everette Kitchens, Council
ATTEST	
Barbara R. Stark, Clerk to Council	